UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,725	07/20/2005	Michael Menth	0119010-00092	8359

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EXAMINER
TESLOVICH, TAMARA

ART UNIT	PAPER NUMBER
2437	

NOTIFICATION DATE	DELIVERY MODE
09/18/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 July 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *07.20.05, 10.11.05*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to Applicant's Application for Patents filed July 20, 2005.

Claims 1-8 are cancelled by preliminary amendment.

Claims 9-23 are newly presented and herein considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13, 14, 20 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13 and 14 recite the limitation "the egress node." There is insufficient antecedent basis for this limitation in the claim.

Claims 20 and 22 recite the limitation "the ingress node." There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9-23 are rejected under 35 U.S.C. 102(e) as being anticipated by

United States Patent Application Publication 2002/0194369 A1 to Rawlins et al.

As per **claim 9,** Rawlins teaches a method for restricting traffic in a packet-oriented network having a plurality of links, the method comprising: performing an authorization check relating to each link via which a group of data packets of a flow is transmitted over the network (par 40), wherein the group of data packets enters into the network at an ingress node (par 40; fig 4), wherein the authorization check is performed by means of a limit value for the entire traffic which enters at the ingress node and is routed via the link (pars 40, 58-59, 66-67; fig 4).

As per **claim 10,** Rawlins teaches wherein the transmission of the group of data packets is not authorized if the authorization of the transmission would lead to traffic on the link exceeding the limit value (pars 40, 58-59, 66-67, 72; fig 4).

As per **claim 11,** Rawlins teaches wherein two authorization checks relating to the link are performed (par 40), wherein a first authorization check corresponding to claim 9 is performed (par 40), wherein a second authorization check is performed in which an authorization check relating to the link is performed for the group of data packets (par 40), wherein the group of data packets leaves the network at an egress node (pars 40, 58-59, 66-67, 72; fig 4), wherein the second authorization check is performed by means of a further limit value for the entire traffic which leaves the

network via the egress node and is routed via the link (pars 40, 58-59, 66-67, 72; fig 4),

and wherein the transmission of the group of data packets is not authorized if an

authorization of the transmission would lead to traffic on the link exceeding either the

limit value or the further limit value (pars 40, 58-59, 66-67, 72; fig 4).

As per **claim 12,** Rawlins teaches performing a further authorization check,

wherein the further authorization check is performed by means of a limit value for the

entire traffic of the flow routed via the ingress node, and wherein the transmission of the

group of data packets is not authorized if authorizing the transmission would lead to

traffic at the ingress node which would exceed the limit value (pars 40, 58-59, 66-67, 72;

fig 4).

As per **claim 13**, Rawlins teaches performing a further authorization check,

wherein the further authorization check is performed by means of a limit value for the

entire traffic of the flow routed via the egress node, and wherein the transmission of the

group of data packets is not authorized if the authorization of the transmission would

lead to traffic exceeding the limit value at the egress node (pars 40, 58-59, 66-67, 72; fig

4).

As per **claim 14**, Rawlins teaches performing a further authorization check,

wherein the further authorization check is performed by means of a limit value for traffic

routed from the ingress node of the flow to the egress node, and wherein the

transmission of the group of data packets is not authorized if authorization of the

transmission would lead to traffic exceeding the limit value between the ingress node and the egress node (pars 40, 58-59, 66-67, 72; fig 4).

As per **claim 15**, Rawlins teaches a method for restricting traffic in a packet-oriented network having a plurality of links, the method comprising: performing an authorization check relating to a link for a group of data packets of a flow to be transmitted over the network (par 40), wherein the group of data packets leaves the network at an egress node (par 40; fig 4), wherein the authorization check is performed by means of a limit value for the entire traffic which leaves the network via the egress node and is routed via the link (pars 40, 58-59, 66-67; fig 4).

As per **claim 16**, Rawlins teaches wherein the transmission of the group of data packets is not authorized if the authorization of the transmission would lead to traffic exceeding the limit value on the link (pars 40, 58-59, 66-67, 72; fig 4).

As per **claim 17**, Rawlins teaches wherein two authorization checks relating to the link are performed (par 40), wherein a first authorization check corresponding to claim 15 is performed (par 40), wherein a second authorization check is performed in which for the group of data packets of the flow to be transmitted over the network an authorization check relating to the link is performed (par 40), wherein the group of data packets enters the network at an ingress node (pars 40, 58-59, 66-67, 72; fig 4), the authorization check is performed by means of a further limit value for the entire traffic which enters at the ingress node and is routed via the link (pars 40, 58-59, 66-67, 72; fig 4), and wherein the transmission of the group of data packets is not authorized if an

authorization of the transmission would lead to traffic on the link exceeding either the limit value or the further limit value (pars 40, 58-59, 66-67, 72; fig 4).

As per **claim 18**, Rawlins teaches wherein the method is performed for all links (pars 40, 58-59, 66-67, 72; fig 4).

As per **claim 19**, Rawlins teaches wherein the method is performed for all links (pars 40, 58-59, 66-67, 72; fig 4).

As per **claim 20**, Rawlins teaches further comprising performing a further authorization check, wherein the further authorization check is performed by means of a limit value for the entire traffic of the flow routed via the ingress node, and wherein the transmission of the group of data packets is not authorized if authorizing the transmission would lead to traffic at the ingress node which would exceed the limit value (pars 40, 58-59, 66-67, 72; fig 4).

As per **claim 21**, Rawlins teaches performing a further authorization check, wherein the further authorization check is performed by means of a limit value for the entire traffic of the flow routed via the egress node, and wherein the transmission of the group of data packets is not authorized if the authorization of the transmission would lead to traffic exceeding the limit value at the egress node (pars 40, 58-59, 66-67, 72; fig 4).

As per **claim 22**, Rawlins teaches performing a further authorization check, wherein the further authorization check is performed by means of a limit value for traffic routed from the ingress node of the flow to the egress node, and wherein the

transmission of the group of data packets is not authorized if authorization of the

transmission would lead to traffic exceeding the limit value between the ingress node

and the egress node (pars 40, 58-59, 66-67, 72; fig 4).

As per **claim 23**, Rawlins teaches a marginal node comprising means for

executing a method in accordance with claim 15 (pars 58-59, 64, 166 "edge routers"; fig

4).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tamara Teslovich whose telephone number is

(571)272-4241. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tamara Teslovich/
Examiner, Art Unit 2437

/Emmanuel L. Moise/
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